



Application Serial No. 09/476,253  
Attorney Docket No. PC9731A  
Response to Restriction Requirement

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By

*Ray M. Speer* 09/05/01  
(Signature of person mailing)

Raymond M. Speer, Reg. No. 26,810

(Typed or printed name of person)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: **WATSON AND WOODS** :

APPLICATION NO.: **09/476,253** : Examiner: Cybille Delacroix-Muirheid

FILING DATE: **DECEMBER 30, 1999** : Group Art Unit: 1614

TITLE: **PROKINETIC AGENTS FOR TREATING:  
GASTRIC HYPERMOTILITY AND RELATED  
DISORDERS** :

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**APPLICANTS' RESPONSE TO A REQUIREMENT OF RESTRICTION (35 U.S.C. § 121)**

In an Office Action mailed July 5, 2001 the Examiner in charge of the above-identified application, Ms. Cybille Delacroix-Muirheid, has taken the position that the present claims, Claims 1-41, are directed to patentably distinct species, identified by the Examiner as a method for treating or preventing stasis in all or parts of the stomach of a patient, comprising administering (I) a compound of Formula (IA), or (II) a compound of Formula (IB). The Examiner has required Applicants to elect a single species of the above-mentioned species for further prosecution in the above-identified application.

The Examiner has further taken the position that each of the above-mentioned species in turn comprises patentably distinct species, identified by the Examiner as the meanings of  $R^2_a$  or  $R^2_b$  comprising hydrogen or any of the moieties described in Sections ( - I - ) through ( - V - ) of Claim 1. The Examiner has required Applicants to elect a single species of the above-mentioned species for further prosecution in the above-identified application.

Responsive to the Examiner's above-described requirement of election, Applicants elect without traverse species (I), a compound of Formula (IA), for further prosecution in the above-identified application. All of the originally filed claims, Claims 1-41, are readable on the elected

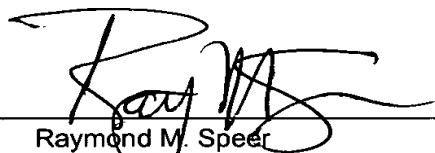
species. Further responsive to the Examiner's above-described requirement of election, Applicants elect without traverse species (I), a compound of Formula (IA), wherein the meanings of  $R^2_a$  or  $R^2_b$  comprise hydrogen or a moiety described in Section ( - I - ), provided that one, but not both of  $R^2_a$  and  $R^2_b$  must be independently selected as hydrogen. Originally filed Claims 1, 2, 7-11, 16-20, 25-31, and 36-41 are readable on the elected species.

Applicants note the Examiner's statement that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in independent form or otherwise include all of the limitations of an allowed generic claim, as provided by 37 C.F.R. § 1.141.

The Examiner is urged to take up the above-identified application promptly for examination and to thereafter issue an Office Action with respect thereto without delay.

Respectfully submitted,

Date: September 5, 2001

  
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Raymond M. Speer  
Attorney for Applicant(s)  
Reg. No. 26,810

Pfizer Inc  
Patent Department, 20th Floor  
235 East 42nd Street  
New York, NY 10017-5755  
(212) 733-4606